

United States Senate

WASHINGTON, DC 20510-3005

September 15, 2010

Mr. Tony Hayward
Chief Executive Officer
BP PLC
1 St. James's Square
London SW1Y 4PD
United Kingdom

Dear Mr. Hayward,

I have sent you four letters to ask for your and BP's cooperation with my investigation into the release of convicted terrorist Abdel Basset Ali Mohamed al-Megrahi last year. I regret that I am compelled to write you yet again to get responses to my inquiries.

In prior letters, I extended *several* invitations to both you and to BP consultant Sir Mark Allen to participate in the Senate Foreign Relations Committee hearing I am chairing on September 29th to fully explore the allegations surrounding the decision to release al-Megrahi. Because you have chosen to decline my invitations to testify, I fully expect that BP will provide another witness to represent BP instead. I believe it is critical that we hear from a senior BP official who can provide information about BP's activities in Libya since 2007 and BP's communications with the Libyan, UK, and Scottish governments regarding this matter. I do not understand why BP would hesitate to provide a witness, since BP's claims it had no role in his release. If that is true, then this venue can serve as a way to dispel allegations to the contrary.

I am disappointed with the lack of cooperation that your company has offered to my office in its investigation. In my last letter to you, I asked that you provide my office with a detailed timeline of BP's activities in Libya and that you make available any BP employees who are familiar with BP's activities in Libya so my staff could speak with them. The document BP provided was quite general and not informative. The employee you made available to my staff to interview was without much personal knowledge of BP's activities in Libya or its interactions with the Libyan government.

Furthermore, in that same letter, I renewed a prior request by Senators Lautenberg, Gillibrand, Schumer, and myself for the following documents covering the period of January 1, 1999 to the present:

1. Any documents,* including communications to or from BP officials, relating to the release or negotiations for the release of Abdel Basset Ali Mohamed al-Megrahi or the Prisoner Transfer Agreement (PTA) between the UK government and Libya or negotiations about the PTA.

2. Any documents,* including communications to or from British Government officials, relating to BP's interest in or negotiations for oil exploration in Libya.
3. Any documents,* including communications to or from British Government officials, relating to al-Megrahi's release or transfer to Libyan custody.

Based on documents released by the British Government that detail communications between BP and the UK, I know that documents meeting these criteria exist. Yet we have yet to receive any of these documents.

Mr. Hayward, these past few months have seen BP subject America to the largest oil spill in its history. I therefore find it very surprising that BP is not acting to restore its reputation in this country by being more helpful and forthcoming with information to aid this investigation. I hope you realize and understand that the alleged links between BP and the release of al-Megrahi surfaced before my investigation began. If, as you maintain, BP had no influence in this matter, then it is in BP's interest to be cooperative and put this issue to rest.

In closing, I again ask that BP provide a witness who can testify credibly and knowledgeably to BP's activities in Libya since 2007. I still await a more detailed timeline of BP's activities in Libya and for BP to produce the documents that were requested over fifty days ago by Senators Lautenberg, Schumer, Gillibrand, and myself.

Thank you, in advance, for your attention and prompt consideration.

Sincerely,



ROBERT MENENDEZ
United States Senator

*Document means any written, recorded, or graphic material, whether prepared by you or any other person, that is in your company's possession, custody, or control, including: memoranda, reports, letters, telegrams, facsimiles, electronic correspondence, and other communications recorded in any form or medium; notes, minutes, and transcripts of conferences, meetings, and telephone or other communications; contracts and other agreements; statements, ledgers, and other records of financial matters or commercial transactions; notebooks and diaries; diagrams, graphs, charts, and other drawings; plans and specifications; reports; publications; photographs; photocopies; microfilm, and other copies or reproductions; tape, disk, and other electronic recordings; and computer printouts. The term includes all drafts of a document; the original document (or a copy thereof if the original is not available); and all copies that differ in any way from the original (including as to any notations, underlinings, or other markings). The term also includes any information stored in, or accessible through, computer or other information retrieval systems, together with instructions and all other materials necessary to use or interpret such data compilations.